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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,920	11/13/2003	Nikhil R. Baxi	2802-152-018	9870

7590

02/15/2006

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EXAMINER

PATEL, VISHAL A

ART UNIT

PAPER NUMBER

3673

DATE MAILED: 02/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/712,920

Applicant(s)

BAXI ET AL.

Examiner

Vishal Patel

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-23 is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8, lines 2-3, "a radius of curvature of a peripheral outer surface of the hose", this make the claim unclear since applicant is claiming only a connector.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spencer (US. 3,589,752) in view of Grau et al (US. 6,010,162).

Spence teaches a connector for attachment with a hose, the connector comprising a hose nipple (nipple of figure 1) with a first longitudinal end, a second longitudinal end and a bore extending there through, said hose nipple having a generally tubular shape with an exterior surface defining an outwardly extending annular protuberance (protuberance 29) located between said first and said second ends, a clip (clip of figure 2) for attachment with said hose nipple having a base portion (portion that connects 22 to 21) with a support bar (portion between 29 and

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21), the base having an axial opening that receives the hose nipple, a finger is that is extended from a surface of 22 inwardly toward the axial opening, the clip further including at least two longitudinal legs (legs 21) extending from said base portion, said legs being radially outwardly distanced from said nipple exterior surface. The annular protuberance is an annular bead with a first axial surface, and a second axial surface, joined via a curved portion, with said inner surface of annular member of the clip having a shape complementary to the annular bead. The longitudinal legs are spaced circumferentially about the hose nipple (the legs are equal spaced around the circumference of the hose nipple). The clip receives a clamp (60) on an outer surface of the longitudinal legs. The at least two longitudinal legs extend a distance substantially the same as that of the nipple distal end portion.

Spencer discloses the invention substantially as claimed above but fails to disclose that the base member having a support bar and a radial opening is on an opposite of the support bar (this would provide a member having two fingers from ends of the support bar) and the support bar has hinge-like first end attached to a first arm portion and a second hinge-like second end attached to a second arm portion, the arm portions having the longitudinal legs and fingers (this would be the case when an annular portion having recess or groove 29 of Spencer is made into a member having a radial opening opposite a support bar).

Grau discloses a clip having a base having an axial opening (36), a surface (inner surface of 34 that contacts 16) that contacts a longitudinal surface of a member (16) and longitudinal legs (legs seen in figure 2). Furthermore in figures 6-8, the base member having a radial opening (radial opening having ends 234a and 234b), a support bar (portion adjacent 442 is the support bar) opposite the radial opening, fingers that are connected to ends of the support bar by hinge

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like members (hinge like members are between the longitudinal legs 438 and 440 and the support bar) and the radial opening forming two fingers that are attached to the support bar (fingers that have 234a and 234b). The longitudinal legs have a longitudinal extent similar to that of the nipple second longitudinal end. It would have been obvious to one having ordinary skill in the art at the time the invention was made to configure the connector of Spencer to have a radial opening and a support bar opposite the radial opening having fingers that are connected to ends of the support bar by hinge-like members as taught by Grau, to provide easy installation of the connector to a member (column 5, lines 45-53 of Grau).

Regarding claims 4-5: Spencer fails to disclose the outer surface of the at least two longitudinal legs has two longitudinally extending surface separated by a radially raised portion and each of the pincer fingers is located at a substantially equal radial distance from its adjacent pincer fingers. Grau discloses a clip having two longitudinal legs, the legs having an outer surface with two extending surfaces separated by a radially raised portion (as seen in figure 4, surfaces 44 and 42 separated by a raised portion). It would have been obvious to one having ordinary skill in the art at the time the invention was made to configure an outer surface of the two longitudinal legs of Spencer to have two outer surfaces that are separated by a raised portion as taught by Grau, to provide proper nesting of multiple clamps on the outer surface of the clip (see figures 3-4 of Grau).

5. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spencer and Grau as applied to claims above, and further in view of Lodholm et al (US. 3,174,777).

Spencer and Grau disclose the invention substantially as claimed above but fail to disclose that an inner surface of each of the at least two longitudinal legs has a curvature.

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Lodholm discloses a clip having two legs, the legs have a curved inner surface (figure 9) and the curved inner surface is configured to be a laterally curved that is complementary to a curved outer surface of a body (hose or nipple or conduit body). It would have been obvious to one having ordinary skill in the art at the time the invention was made to configure the inner surface of the at least two longitudinal legs of Spencer and Grau to have curved inner surface as taught by Lodholm, to provide a proper seating of a hose or conduit when it is placed on the nipple (see figures of Lodholm and column 5, lines 35-36).

Allowable Subject Matter

6. Claims 9-9-23 are allowed.

Response to Arguments

7. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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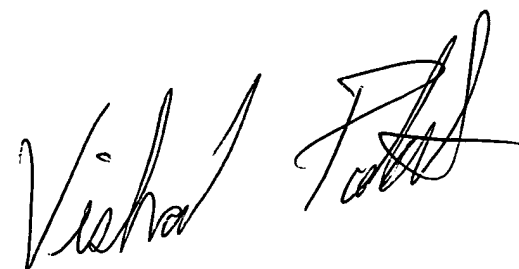
however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishal Patel whose telephone number is 571-272-7060. The examiner can normally be reached on 6:30am to 8:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia L. Engle can be reached on 571-272-6660. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP
February 8, 2006

A handwritten signature in black ink, appearing to read 'Vishal Patel', with a stylized flourish at the end.

Vishal Patel
Patent Examiner
Tech. Center 3600